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SENATE JOINT RESOLUTION 36
By Cohen

A RESOLUTION memorializing the U. S. Congress to propose an amendment to the Constitution of the United States providing for the protection of the natural resources and public health of this nation and to submit such constitutional amendment to the several states for proper ratification.

WHEREAS, the triumph of freedom and justice embodied in the Constitution of the United States of America gives contemporary and future generations a structure for ordered liberty that has served and continues to serve this nation well; and

WHEREAS, those historic decisions, augmented from time to time by Amendment, gives us a Constitution which permits each generation to overcome the great social disturbances of its time; and

WHEREAS, the rights of speech and assembly to protect against overbearing government; the liberation of enslaved Americans; the right of women to vote; restraints on the power of concentrated wealth; the intelligent use of government to protect the economic interests of all; and the use of national military power here and abroad have all been achieved through this Constitutional framework; and

WHEREAS, the American people have well understood and continue to cherish their Constitution, and the values and powers it embodies. Liberty, justice, and our physical and material security: these remain the goals of our generation and our hope for future generations; and

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WHEREAS, a Constitution which protects our personal security is the heart of the American system. Our Constitution seeks to ensure that each person is free of the threat of attack and free of actions by others that diminish life, liberty, health, or property or that prevent the “pursuit of happiness”; and

WHEREAS, the people of this Nation are increasingly besieged by attacks on their personal security, their health and the health of their families, and their right to enjoy the air, water and natural resources of the Nation. The continuing and growing threat to the public health and the Nation’s natural resources is a challenge to our generation of the kind other generations faced and overcame; and

WHEREAS, we are the custodians of the health of our children and of future generations, whose ability to breathe clean air, drink healthful water, avoid poisons, and share in the spiritual regeneration that comes from wilderness and nature is in danger. We are obliged to protect each citizen from these threats as surely as previous generations were obliged to enhance freedom, justice and prosperity; and

WHEREAS, a Constitutional remedy is necessary to accomplish this goal; and

WHEREAS, the decision to seek a Constitutional remedy is both significant and necessary. The people historically have been reluctant to amend the Constitution except for the most compelling reasons; although this body shares that view, the commitment to the public health and environmental security of our citizens and of future generations is so important and so deeply a part of American tradition and values that it requires Constitutional status; and

WHEREAS, we can no more rely on statutory protections for the environment and public health than the nation of 130 years ago could rely on law alone for the liberation of enslaved Americans, or could the nation of 80 years ago when it declared the right of women’s suffrage to be a constitutional value; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDREDTH GENERAL
ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES

CONCURRING, That this General Assembly memorializes the Congress of the United States to propose the following amendment to the Constitution of the United States and submit such amendment to the several states for proper ratification:

The natural resources of the nation are the heritage of present and future generations. The right of each person to clean and healthful air and water, and to the protection of the other natural resources of the nation, shall not be infringed upon by any person.

BE IT FURTHER RESOLVED, That this General Assembly also memorializes the legislatures of each of the several states comprising the United States to apply to enact legislation requesting the U. S. Congress to propose the above amendment to the Constitution of the United States and submit such constitutional amendment to the several states for proper ratification.

BE IT FURTHER RESOLVED, That enrolled copies of this resolution be sent by the Chief Clerk of the Senate to the members of the Tennessee delegation to the Congress of the United States.

BE IT FURTHER RESOLVED, That the Chief Clerk of the Senate is directed to send enrolled copies of this resolution to the secretary of state and presiding officers of both houses of the legislature of each of the other states in the union, the Speaker and the Clerk of the United States House of Representatives, Washington, D. C., and the President and the Secretary of the United States Senate, Washington, D. C.

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